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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/040,471

01/09/2002

Kia Silverbrook

API5US

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24011

7590

11/17/2006

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, NSW 2041  
AUSTRALIA

EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/040,471	Applicant(s) SILVERBROOK ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

*Tran*

*Chan S. Park*

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 9/6/06, and has been entered and made of record. Currently, **claims 1-3, 5 and 7-14** are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to **claims 1-3, 5 and 7-14** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities:  
  
Line 11, "an printed image" should be -- a printed image --.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki U.S. Patent No. 6,552,821 in view of Ozawa et al. U.S. Patent No. 6,115,137 (hereinafter Ozawa).

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4. With respect to claim 1, Suzuki discloses a digital photo album (figs. 1 & 9) including a body portion, digital image storage means within said body portion for storing an image (memory 56), image display means for electronically displaying the image (col. 12, lines 23-26), printer means within said body portion for printing the image (58 in fig. 2) and image control means permitting a user to selectively display and print images stored by said image storage means (col. 15, lines 1-4), wherein said image display means is pivotably connected to the body portion about a hinge joint and wherein the image display means pivots between a closed position in which the image display means lies adjacent the body section and an open position in which the image display means is visible to a user (58 in fig. 2);

wherein said printer means includes a print roll, a printhead for printing an image onto said print roll, a cutter wheel for severing a printed image from said print roll and a cutter motor for driving said cutter wheel (col. 6, lines 8-16 & col. 12, lines 51-60).

Suzuki, however, does not disclose the digital photo album including means for applying an image enhancement effect to the stored image and means for displaying the enhanced images.

Ozawa, the same field of endeavor of the digital camera art, discloses a digital camera including means for selectively display an stored image (figs. 9A ~ 9D), means for applying an image enhancement effect to the stored image (col. 4, lines 63-67) and means for displaying the enhanced images (S51 in fig. 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the image enhancement means for enhancing the desire image appropriately before printing.

Therefore, it would have been obvious to combine Suzuki with Ozawa to obtain the invention as specified in claim 1.

5. With respect to claim 2, refer to col. 4, line 63 – col. 5, line 10 of Ozawa.

6. With respect to claim 5, refer to col. 5, line 3 of Ozawa.

7. With respect to claim 7, refer to col. 15, line 66 ~ col. 16, line 4 of Suzuki.

Furthermore, examiner takes an Official Notice that having a releasable cover portion for removing or replacing the ink cartridge of the printing system is well known in the art at the time of the invention. Conventionally, the cover is included to replace the empty cartridge with a new one. Since Examiner takes an Official Notice, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain the invention as specified in claim 7 in view of Suzuki. Since the applicant has not adequately traversed the previous Official Notice taken by the examiner, *the body including a releasable cover portion through which a portion of said printer means including said print media and/or an removable ink cartridge* is taken to be admitted prior art (MPEP 2144.03).

8. With respect to claim 8, refer to col. 10, lines 45-49 of Suzuki.

9. With respect to claim 9, refer to figs. 1 & 8 of Suzuki.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Suzuki and Ozawa as applied to claim 1 above, and further in view of Haneda U.S. Patent No. 6,016,184.

10. With respect to claim 10, the combination discloses the digital photo album of claim 1, but it does not disclose expressly that the size of a displayed image and the size of a printed image printed by said printer means are substantially equal.

Haneda, the same field of endeavor of the digital photo printing art, discloses a digital photo album (filing system of fig. 1) comprising a printer for printing a digital image, a display for displaying the image and a storage for storing the image wherein the size of a displayed image and the size of a printed image printed by the printer are substantially equal (col. 12, lines 12-20; lines 27-31; and lines 56-64).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the displaying means of Haneda into the digital photo album of the combination.

The suggestion/motivation for doing so would have been to provide an accurate size of the digital image to be printed before the printing process.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 10.

11. With respect to claim 11, Examiner notes that the size of a conventional photo output medium is 6" X 4". Read col. 8, lines 56-65 of Haneda.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Suzuki and Ozawa as applied to claim 1 above, and further in view of Silverbrook WO Publication No. 00/23279.

12. With respect to claim 12, the combination discloses the digital photo album of claim 1, but it does not disclose expressly that the printer means includes monolithic pagewidth printhead.

Silverbrook, the same field of endeavor of the digital photo printing art, discloses a printer including monolithic pagewidth printhead (page 33).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the monolithic pagewidth printhead of Silverbrook into the digital photo album of the combination of Suzuki and Ozawa.

The suggestion/motivation for doing so would have been to provide a suitable printhead for the camera photoprinting.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 12.

13. With respect to claim 13, Silverbrook discloses that the printhead is an ink jet printhead (page 34).

14. With respect to claim 14, Silverbrook discloses that the printhead is substantially 4" wide (page 33).

***Allowable Subject Matter***

15. **Claim 3** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHAN S. PARK** whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

csp  
November 7, 2006

Chan S. Park  
Examiner  
Art Unit 2625



**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**